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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 DANA LANTHIER,  
15 Defendant and Judgment Debtor.  
16 JANNEY MONTGOMERY SCOTT LLC,  
17 (and its Successors and Assignees)  
18 GARNISHEE.

Case No.: 1:20-MC-00002-AWI-SKO

**[PROPOSED] ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS AND FINAL  
ORDER OF GARNISHMENT**

Criminal Case No.: 1:10-CR-00214-LJO

19 On January 10, 2020, the United States filed an Application for Writ of Continuing Garnishment  
20 (retirement accounts) against defendant and judgment debtor Dana Lanthier's ("Lanthier") property and  
21 accounts. Doc. 1. The Clerk of the Court issued the Writ and Clerk's Notice of Instructions to the  
22 Judgment Debtor. Doc. 3, 5. The United States served the Writ and related documents on Janney  
23 Montgomery Scott LLC ("Garnishee") and Lanthier. Doc. 2, 4.

24 On January 23, 2020, the Garnishee filed its Acknowledgment of Service and Answer of  
25 Garnishee stating that Garnishee is in possession of a Roth IRA retirement plan in which Lanthier has an  
26 interest, with an approximate value of \$9,094.65. Doc. 6. Lanthier did not file a claim of exemption to  
27 the proposed garnishment, did not object to the Garnishee's answer, did not request a hearing, and did  
28 not otherwise object to the United States' garnishment action.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on February 12, 2020, the Magistrate  
2 Judge issued findings and recommendations that recommended that the United States' request for final  
3 order of garnishment be granted and ordered that any objections were due within fourteen (14) days after  
4 service. Doc. 9. The United States served the findings and recommendations on Lanthier on February  
5 12, 2020. Doc. 10. Lanthier did not object and the time to do so has passed.

6 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the  
7 case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings  
8 and recommendations are supported by the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The United States' Request for Findings and Recommendations for Final Order of  
11 Garnishment, (Doc. 7) is GRANTED;
- 12 2. Garnishee Janney Montgomery Scott LLC is directed to pay the Clerk of the United  
13 States District Court \$8,458.33 of the funds in the accounts held by Garnishee, in which  
14 Dana Lanthier aka Dana Milgrim has an interest within fifteen (15) days of the filing of  
15 this Order;
- 16 3. Payment shall be made in the form of a cashier's check, money order or company draft,  
17 made payable to the Clerk of the Court and delivered to the United States District Court,  
18 Eastern District of California, 501 I Street, Room 4-200, Sacramento, California 95814.  
19 The criminal docket number (1:10-CR-00214-LJO) shall be stated on the payment  
20 instrument;
- 21 4. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the  
22 case, if necessary; and
- 23 5. This garnishment shall be terminated when the payment is deposited with the Clerk of the  
24 Court.

25 IT IS SO ORDERED.

26 Dated: March 2, 2020

  
27 SENIOR DISTRICT JUDGE  
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